

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-35171 – REVIEW OF CONDITION – SPECIAL USE

PERMIT – APPLICANT/OWNER: AHMAD PEYAHAMBARIAN

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Condition Number 4 of Special Use Permit (SUP-20462) shall be removed.
2. Conformance to all other conditions of approval for Special Use Permit (SUP-20462) and all other related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site currently has a Service Station without Auto Repairs in conjunction with a Convenience Store. The applicant is requesting a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-20462), which states, “the sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be prohibited.”

Since the original approval of the Special Use Permit (SUP-20462), the applicant has been issued numerous building permits relating to the use in addition to the issuance of the appropriate business licenses for the operation. The proposed removal of this condition is not appropriate, as the business is located in a primarily residential area with scattered commercial uses that includes five liquor licenses within 400 feet of the subject site. The intensification of the use through the allowance of the sale of single packages of beer/wine/coolers does not fit with the surrounding residential neighborhoods and could have a negative effect on the area. Staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/03/68	The Board of City Commissioners approved a request for Rezoning (Z-0007-68) from R-E (Residence Estates) to C-1 (Limited Commercial) of property generally located on the southeast corner of Washington Avenue and Decatur Boulevard. The Planning Commission recommended approval on 04/01/68.
06/20/07	The City Council approved a request for a Site Development Plan Review (SDR-20561) for a proposed 2,942 square-foot Service Station without auto repair with a waiver to allow a ten-foot landscape buffer along the north property line where a 15-foot buffer is the minimum required on 0.70 acres at 850 North Decatur Boulevard. The Planning Commission recommended approval on 05/10/07.
06/20/07	The City Council approved a request for a Special Use Permit (SUP-20462) for a Beer/Wine/Cooler Off-Sale Establishment for a proposed Service Station without auto repair at 850 North Decatur Boulevard. The Planning Commission recommended approval on 05/10/07.

06/20/07	The City Council approved a request for a Variance (VAR-20464) to allow a zero-foot rear setback where 20 feet is the minimum required at 850 North Decatur Boulevard. The Planning Commission recommended approval on 05/10/07.
<i>Related Building Permits/Business Licenses</i>	
12/02/02	A business license (P35-00138) was issued for a Pay Phone at 850 North Decatur Boulevard. The license is still active.
12/03/02	Two business licenses (P35-00385 and P35-00386) were issued for Pay Phones at 850 North Decatur Boulevard. The licenses are still active.
08/30/05	A business license (C05-01289) was issued for Cigarette Sales at 850 North Decatur Boulevard. The license is still active.
08/30/05	A business license (C15-00087) was issued for a Convenience Store at 850 North Decatur Boulevard. The license is still active.
06/28/07	A business license (C20-02296) was issued for Convention Hall Tax at 850 North Decatur Boulevard. The license is still active.
06/28/07	A business license (G01-02296) was issued for Restricted Gaming at 850 North Decatur Boulevard. The license is still active.
12/18/08	A building permit (110851) was issued for a Gas Station and Convenience Store at 850 North Decatur Boulevard. The permit was finalized on 07/06/09.
12/18/08	A building permit (110854) was issued for hardscapes for a Gas Station and Convenience Store at 850 North Decatur Boulevard. The permit was finalized on 07/06/09.
04/09/09	A building permit (137311) was issued for grading at 850 North Decatur Boulevard. The permit was finalized on 06/30/09.
04/30/09	A building permit (138555) was issued for wall signs at 850 North Decatur Boulevard. The permit was finalized on 07/07/09.
05/20/09	A building permit (140031) was issued for a front and rear retaining wall at 850 North Decatur Boulevard. The permit was finalized on 06/11/09.
05/21/09	A building permit (140019) was issued for a trash enclosure at 850 North Decatur Boulevard. The permit was finalized on 06/29/09.
07/09/09	A business license (L10-00086) was issued for Beer/Wine/Cooler Off-Sale Establishment at 850 North Decatur Boulevard. The license is still active.
07/14/09	A building permit (136549) was issued for a gas canopy at 850 North Decatur Boulevard. The permit was finalized on 07/14/09.
07/15/09	A business license (S05-90192) was issued for a Gas Station at 850 North Decatur Boulevard. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	0.609

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store and Gas Station	SC (Service Commercial)	C-1 (Limited Commercial)
North	Golf Course	PF (Public Facilities)	C-V (Civic)
South	Restaurant, Retail Establishments, and a Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
East	Condominiums	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development- 8 Units per Acre)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site currently has a Service Station without Auto Repairs in conjunction with a Convenience Store. The applicant is requesting a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-20462), which states, “that the sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be prohibited.”

Since the original approval of the Special Use Permit (SUP-20462), the applicant has been issued numerous building permits relating to the use, in addition to the issuance of the appropriate business licenses for the operation. Additionally, there have been no code enforcement violations or police report discrepancies for the business.

FINDINGS

The proposed removal of this condition is not appropriate, as the business is located in a primarily residential area with scattered commercial uses that includes five (5) establishments with liquor licenses within 400 feet of the subject site. The intensification of the use through the allowance of the sale of single packages of beer/wine/coolers does not fit with the surrounding residential neighborhood and could have a negative effect on the area. Staff recommends denial of this request.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	577
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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